

DEC 17 2014 3C

UNITED STATES DISTRICT COURT
for the

Southern District of Texas

David J. Bradley, Clerk
Laredo Division

United States of America)
 v.)
 GARCIA Ayala, Miguel Alejandro)
 ESQUIVEL Gallardo, Erick)
 _____)
 Defendant)

Case No.

514M11553-1

-2

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 12/15/2014 in the county of Webb in the Southern District of Texas, the defendant violated 21 U. S. C. § 841(a)(1), 846,, an offense described as follows:

knowingly and unlawfully possess with intent to distribute a controlled substance listed under Schedule I, Title II, of the Controlled Substance Act, to wit; approximately three point eight (3.8) kilograms of methamphetamine (gross weight). The defendant did knowingly and unlawfully possess with intent to distribute the above listed Methamphetamine. Furthermore, the defendant did knowingly and unlawfully conspire to possess with intent to distribute the above listed Methamphetamine.

This criminal complaint is based on these facts:

See attachment "A"

Continued on the attached sheet.



Complainant's signature

Fabian Aguilar, Special Agent, HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/17/2014



Judge's signature

City and state: Laredo, Texas

Guillermo R. Garcia, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

I am a Special Agent of the United States Homeland Security Investigations (HSI), and have knowledge of the following facts:

1. On May 21, 2013, Homeland Security Investigations (HSI) Laredo special agents received information Erick ESQUIVEL Gallardo would be transporting glass liquor bottles possibly containing narcotics in a blue Chevrolet Cruze with Texas license plates (BSF-2380).
2. On this same date, HSI Laredo special agents initiated surveillance on the vehicle at a place of business. HSI Laredo special agents observed Miguel Alejandro GARCIA Ayala operating the vehicle and park at a place of business. At a later time, HSI Laredo special agents observed a taxi arrive at the place of business with ESQUIVEL Gallardo as the passenger. HSI Laredo special agents observed ESQUIVEL Gallardo exit the taxi with two (2) liquor bottles in hand and present the two bottles to GARCIA Ayala.
3. HSI Laredo special agents further observed ESQUIVEL Gallardo and GARCIA inspect the bottles and check the viscosity of the liquid by shaking the bottles. HSI Laredo special agents observed ESQUIVEL Gallardo enter the Chevrolet Cruze as the driver and GARCIA Ayala as the passenger.
4. At a later time, HSI Laredo special agents followed ESQUIVEL Gallardo and GARCIA Ayala drive North on Interstate 35 toward the United States Border Patrol (USBP) checkpoint on mile marker 29 in Laredo, Texas.
5. HSI Laredo special agents coordinated with USBP agents for an inspection on the passengers and the vehicle. USBP agents conducted an immigration inspection on the passengers and asked if the entire luggage in the vehicle was owned by both individuals. ESQUIVEL Gallardo responded the luggage was his and the bottles of liquor were both his and GARCIA Ayala's. GARCIA Ayala responded that the bottles of liquor were not his and were owned by ESQUIVEL Gallardo's. USBP agents refereed ESQUIVEL Gallardo and GARCIA Ayala to a secondary inspection.
6. At the secondary inspection, USBP agents along with a USBP canine conducted a non-intrusive, open air inspection on the two (2) liquor bottles and received a positive alert to the odor of narcotics emitting from the bottles. USBP agents and HSI Laredo special agents field tested the liquid in the liquor bottles which resulted in positive for the elements of methamphetamine.
7. HSI Laredo special agents read ESQUIVEL Gallardo his Miranda Rights in the Spanish language. ESQUIVEL GALLARDO acknowledged his rights and agreed to provide a statement without an attorney present.
8. In his statements, ESQUIVEL Gallardo stated he was given instructions by GARCIA Ayala to collect the liquor bottles at a body shop in Nuevo Laredo and cross the liquor bottles into the United States. ESQUIVEL Gallardo granted HSI Laredo special agents access to his cellular telephone. HSI Laredo special agents discovered a text message in ESQUIVEL Gallardo's cellular telephone from GARCIA Ayala stating, "When are you going to pick up the things so I can tell the person from the body shop."

9. HSI Laredo special agents read GARCIA Ayala his Miranda Rights in the Spanish language. GARCIA AYALA acknowledged his rights and agreed to provide a statement without an attorney present
10. In his statements, GARCIA Ayala stated he only asked ESQUIVEL Gallardo for a ride to Oklahoma and did not have anything to do with the liquor bottles.
11. The combined weight of the two bottles was three point eight (3.8) kilograms.
12. HSI Laredo Special Agents arrested ESQUIVEL Gallardo and GARCIA Ayala for violations of Title 21 United States Code 841 and 846. ESQUIVEL Gallardo and GARCIA Ayala were transported to the Webb County Detention Center in Laredo, TX.